

REMARKS

Claims 1-6 and 8 are pending.

Claim 1 has been amended to more clearly recite a method of treatment of diseases that involve IL-8 induced human PMNs chemotaxis.

Claims 4, 6 and 8 have been amended to depend from claim 1.

No new matter has been added.

Restriction Requirement

The Examiner has issued a Restriction Requirement contending that multiple inventions are encompassed by the claims. The Examiner lists these as follows:

Group I – claim 6, directed to a composition containing the compound of Formula I.

Group II – claims 1-5 directed to the process of making a medicament using a composition of Group I.

Group III – claims 8, drawn to the process of using the composition of Group I.

The Examiner contends that these are not linked under PCT Rule 13.1 to form a single general inventive concept. Applicants respectfully traverse.

The claims have been amended to recite a method of treatment of diseases that involve IL-8 induced human PMNs chemotaxis. Thus, claims 1-6 (Groups I, II and III) now have a single inventive concept that uses the same technical feature, which is the method of use of compounds of formula I for the treatment of diseases that involve IL-8 induced human PMNs chemotaxis. These diseases are the ones listed in Group III (i.e. claim 8). Consequently, the claims are linked under PCT Rule 13.1 to form a single general inventive concept. In view of this, Applicants respectfully request reconsideration and rejoinder of all of the claims.

In order to be fully compliant, however, Applicants elect to pursue Group III directed to a method of treatment using the composition of Group I.

The Examiner has also issued an election requirement to which the claims shall be restricted if no generic claim is finally held allowable. Applicants understand that the Examiner shall conduct his/her search using the elected species and, once the claims have been found allowable using the elected searching species, shall broaden the search to include the other members of the genus. Therefore, Applicants elect as a single species for examination of the claims, the compound reported in Example 1: (R)(-)-3[(4'-isobutyl)phenyl]butan-2-one.


In view of the above remarks, all of the claims remaining in the case as amended are submitted as defining unified, non-obvious, patentable subject matter.

Pursuant to the provisions of 37 C.F.R. §§ 1.17 and 1.136(a), Applicants petition for an extension of one (1) month to July 5, 2007, in which to file a response to the Office Action dated April 3, 2007. The Commissioner is hereby authorized to charge Deposit Account No. 02-2448 the required fee of \$120.00.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

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Respectfully submitted,

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